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07-CV-01748-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SERJIO A. ALTAMIRANO,

Petitioner,

v.

TIM WENGLER,

Respondent.

CASE NO. C07-1748-MJP-JPD

ORDER DENYING § 2254 PETITION

The Court, having reviewed petitioner's amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, petitioner's response, respondent's supplemental answer, petitioner's supplemental response, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's amended petition for a writ of habeas corpus (Dkt. No. 15) is DENIED and this action is dismissed with prejudice.
- (3) The Clerk is directed to send a copy of this Order to all counsel of record and to Judge Donohue.

DATED this 9 day of FEB., 2009.

MARSHA J. PECHMAN
United States District Judge

ORDER DENYING PETITION